

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRIN ANTHONY KRAMER,)	
)	
Petitioner,)	Case No. 1:05-cv-505
)	
v.)	Honorable Wendell A. Miles
)	
MARY BERGHUIS,)	
)	
Respondent.)	
)	

ORDER

This is a habeas corpus proceeding brought by a state prisoner pursuant to 28 U.S.C. § 2254. On January 26, 2006, the Court dismissed Petitioner's action because it is barred by the one-year statute of limitations. The judgment followed the Court's *de novo* review of Petitioner's objections to the report and recommendation of the magistrate judge. The Court subsequently denied Petitioner's motion for reconsideration (docket #30) and denied a certificate of appealability (docket #33).

Petitioner now seeks reconsideration of the Court's order denying him a certificate of appealability. The Court has reviewed its decision in this case and reaffirms that reasonable jurists could not debate that this court correctly dismissed Petitioner's claims on statute of limitations grounds. *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). "Where a plain procedural bar is present and the district court is correct to invoke it to dispose of the case, a reasonable jurist could not conclude either that the district court erred in dismissing the petition or that the petitioner should be

allowed to proceed further.” *Id.* Therefore, Petitioner’s motion for reconsideration (docket #34) is DENIED.

IT IS SO ORDERED.

Dated: June 28, 2006

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge